UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF WATER

MAY 20 2016

Ms. Tina Sigurdson
Staff Attorney
Environmental Working Group
1436 U Street, NW, Suite 100
Washington, D.C. 2009

Dear Ms. Sigurdson:

Thank you for your April 25, 2016, letter to the U.S. Environmental Protection Agency on behalf of the Environmental Working Group regarding the EPA's work related to perfluorooctanoic acid contamination in drinking water. The agency takes seriously concerns regarding PFOA contamination; we are actively engaged in advancing the science related to PFOA so that we can provide the best available information to the public, states, tribes and local governments to address public health risks associated with PFOA contamination.

Your letter requests that the EPA act swiftly to establish an enforceable drinking water standard for PFOA as a contaminant under the Safe Drinking Water Act. The agency is currently evaluating PFOA as a drinking water contaminant in accordance with the process required by the SDWA. To regulate a contaminant under the SDWA, the agency must find that: (1) it may have adverse health effects; (2) it occurs frequently (or there is a substantial likelihood that it occurs frequently) at levels of public health concern; and (3) there is a meaningful opportunity for health risk reduction for people served by public water systems.

In 2012, the agency included PFOA and other perfluorinated compounds among the contaminants for which water systems were required to monitor under the third Unregulated Contaminant Monitoring Rule (UCMR 3), over the period of 2013-2015. Results of this monitoring that have been reported to date and compiled by EPA can be found on the publicly-available National Contaminant Occurrence Database (NCOD) (https://www.epa.gov/dwucmr/occurrence-data-unregulated-contaminant-monitoring-rule#3). The agency updates this information approximately quarterly. In accordance with the SDWA, the agency will consider the occurrence data from UCMR 3, along with the peer-reviewed health effects assessment supporting the PFOA and PFOS Health Advisories, to make a regulatory determination on whether to initiate the process to develop a national primary drinking water regulation for these compounds.

Your letter also requests that the EPA issue a uniform, health-protective health advisory level for PFOA. I am pleased to report that the agency updated Health Advisories for PFOA and PFOS on May 19. The new lifetime health advisories supersede the agency's provisional guidance for PFOA and PFOS issued in 2009. The EPA's health advisories, which are based on the best available, peer-reviewed science, identify the concentrations of PFOA and PFOS in drinking water at or below which adverse health effects are not anticipated to occur over a lifetime of exposure, and will provide federal, state, tribal and local governments with non-regulatory guidance to assist with decisions.

Additionally, your letter requests that the EPA utilize results from state-of-the-art testing capabilities to detect PFOA in water without discarding or discounting low-level findings. The minimum reporting limit established for PFOA under UCMR 3 was 0.02 µg/L (or parts per billion). The process for setting MRLs was documented and subjected to regulatory notice and comment. An MRL represents a quantitation level designed to be an estimate of the level that is achievable, with 95 percent confidence, by a capable analyst/laboratory at least 75 percent of the time, using the prescribed analytical method. The agency successfully tested the method used to monitor PFOA under UCMR 3 via a multi-laboratory validation and conducted a thorough peer review process prior to the UCMR 3 proposal. While particular laboratories may be able to measure PFOA at levels lower than those used for PFOA for UCMR 3 monitoring, the selected MRL reflects the level achievable by the national array of laboratories that supported the UCMR program.

Finally, your letter requests that the EPA draw on available production, use and disposal information, as well as all available water testing results, to enhance and expand sample testing of community water systems, to determine what other localities may be at risk, and identify and remediate the sources of water contamination. You request that the EPA should not only use all available information but employ the full extent of its regulatory authority to supplement that information with whatever additional manufacturing, processing and use data it can compel from companies, voluntarily or otherwise. UCMR 3 required approximately 5000 public water systems, including all large public water systems (those serving greater than 10,000 people) and a nationally representative sample of 800 small systems to monitor for PFOA and other perfluorinated compounds. The UCMR monitoring results provide scientifically valid data on the national occurrence of selected contaminants in drinking water. This dataset is one of the primary sources of information on national occurrence, levels of exposure and population exposure the agency uses to develop regulatory decisions for emerging contaminants in the public drinking water supply. The objective of the UCMR monitoring is to provide a nationally representative dataset to identify the scope of drinking water contamination. A targeted monitoring approach for one contaminant (such as PFOA) is not possible, since up to 30 unregulated contaminants are monitored under each cycle of the UCMR, and the vulnerability for the array of contaminants would vary across the country depending on production, release, usage and uncertainties within these factors. Furthermore, because the primary purpose of UCMR data is to provide nationally representative information for regulatory decisions, targeting would bias these results.

Regarding the Environmental Working Group's concerns about the "representative sample" of public water systems serving 10,000 or fewer people on the UCMR 3, the rationale for a sample size of 800 small systems was established through rulemaking, again after considering public comment. A sample of 800 small systems enables the program to meet its data quality objectives.

The agency encourages small public water systems that were not selected to be part of the UCMR 3 monitoring to consult with their state about the appropriateness of conducting independent monitoring for PFOA and PFOS. Consideration should be given to water systems whose sources are located in close proximity to facilities that manufacture or use perfluorinated chemicals.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at klasen.matthew@epa.gov or (202) 566-0780.

Sincerely,

Joel Beauvais
Deputy Assistant Administrator